

REMARKS

Status of claims

Independent claims 1 and 39 have been amended to incorporate the subject matter of claim 28, which has been considered as containing allowable subject matter but for the double patenting rejection and the objection to claim 28 as depending from a rejected base independent claim. Claims 29 and 31 have also been cancelled. Furthermore, previously withdrawn claims 43-50 have been formally cancelled to expedite the present patent application to allowance.

Applicant requests the entry of these amendments because in effect no new subject matter has been introduced. That is, although claims 1 and 39 have been amended, the subject matter added to claims 1 and 39 is not new subject matter, because the subject matter added to claims 1 and 39 is the subject matter of claim 28, which was already considered by the Examiner.

Double patenting rejections

Claims 1-42 have been rejected on the non-statutory ground of obviousness-type double patenting as being unpatentable over claims 1-31 of US Pat. No. 7,063,413 in view of Takago (4,291,144). In response, Applicant has filed herewith a terminal disclaimer in relation to US Pat. No. 7,063,413, and requests therefore that the double patenting rejections be withdrawn.

Claim rejections under 35 USC 103

Claims 1, 3, 5-6, 8-13, 15-18, 26, 29-31, 39, and 41-42 have been rejected under 35 USC 103(a) as being unpatentable over Coulman (6,045,215) in view of Andrews (4,866,133). Claims 2 and 27 have been rejected under 35 USC 103(a) as being unpatentable over Coulman in view of Andrews, and further in view of Petrie (4,120,913). Claims 4 and 40 have been rejected under 35 USC 103(a) as being unpatentable over Coulman in view of Andrews, and further in view of Silverbrook (6,019,457). Claim 14 has been rejected under 35 USC 103(a) as being unpatentable

over Coulman in view of Andrews, and further in view of Boyd (3,874,493). Claims 19-21 and 24-25 have been rejected under 35 USC 103(a) as being unpatentable over Coulman in view of Andrews, and further in view of Feinn (6,325,491). Claims 22-23 have been rejected under 35 USC 103(a) as being unpatentable over Coulman in view of Andrews and Feinn, and further in view of Childers (6,130,695). Claims 32-33 and 37-38 have been rejected under 35 USC 103(a) as being unpatentable over Coulman in view of Andrews, and further in view of Goel (4,728,384). Claims 34-36 have been rejected under 35 USC 103(a) as being unpatentable over Coulman in view of Andrews, and further in view of Chapman (5,013,383). Claim 7 has been rejected under 35 USC 103(a) as being unpatentable over Coulman in view of Andrews, and further in view of Baker (6,299,272).

Claims 1 and 39 are independent claims, from which the remaining pending claims ultimately depend. As noted above, claims 1 and 39 have been amended to incorporate the subject matter of claim 28, and claim 28 has been cancelled. Applicant notes that claim 28 has not been rejected under 35 USC 103; that is, there is no pending prior art rejection of claim 28, and the only rejection of claim 28 is the double patenting rejection that has been overcome via filing of a terminal disclaimer, as discussed above. Therefore, Applicant respectfully submits that claims 1 and 39 at least as have been amended are patentable, such that the remaining pending claims are patentable at least because they each depend from a patentable base independent claim.

Conclusion

Applicants have made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mike Dryja, Applicants' Attorney, at 425-427-5094, so that such issues may be resolved as expeditiously as possible. For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



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Date

Michael A. Dryja, Reg. No. 39,662
Attorney/Agent for Applicant(s)

Law Offices of Michael Dryja
1474 N Cooper Rd #105-248
Gilbert, AZ 85233

tel: 425-427-5094
fax: 425-563-2098